

REMARKS

In reviewing the Preliminary Amendment filed January 9, 2006 (with the filing of the present national phase application), it was noted that claim 7 was erroneously omitted in the listing of the claims (although it was not cancelled). The present claim listing properly lists claim 7; otherwise, the amendments to the claims are shown in the claim listing relative to the version of the claims as pending after the Preliminary Amendment filed January 9, 2006. In the amendments herein, claim 1 has been amended to correct obvious typographical errors, and claim 7 has also been amended. Support for the amendments can be found throughout the specification as filed, e.g., at page 9, lines 8-16, and page 9, line 32 – page 10, line 6.

No new matter has been added.

Response to Restriction Requirement

Applicants respectfully request reconsideration of the Restriction Requirement on the grounds that consideration and examination of the groups specified in the Restriction should not impose an undue burden. Additionally, significant expense and time would be saved if all of the groups (i.e., all pending claims) were searched and examined at this time.

Nonetheless, to provide a complete response, Applicants elect the claims of Group I, claims 1-2, 5, 8-9, 11, 16, 48-51 and 27-28, drawn to a compound of the formula listed in claim 1, and a method for inhibiting binding of vanilloid ligand to a capsaicin receptor *in vivo*, as defined in the Office Communication. In addition, as noted above, claim 7 is pending in the application and Applicants respectfully request that claim 7 be rejoined with the claims of Group I, so that the elected claims include claims 1-2, 5, 7-9, 11, 16, 48-51 and 27-28.

In addition, to ensure a complete response, Applicants elect the species of the compound [1,1-Dioxo-6-(3-trifluoromethyl-pyridin-2-yl)-1H-1λ⁶-benzo[d]isothiazol-3-yl]-(4-isopropyl-phenyl)-amine, disclosed as Compound 2 in the present specification. This

is a compound of the formula of claim 1, i.e., in which W, Y, and Z are each CR₁ and R₁ is hydrogen; Ar₁ is 3-trifluoromethyl-pyridin-2-yl; and Ar₂ is 4-isopropyl-phenyl. It is believed that at least claims 1-2, 5, 7-9, 11, 16, 48-51 and 27-28 read on the elected species.

The selection of Group I and the election of species are being made solely to comply with the Restriction Requirement and the right to file divisional applications on non-elected subject matter is reserved.

Supplemental Information Disclosure Statement

The Examiner's attention is directed to the Supplemental Information Disclosure Statement being filed herewith. Applicants request that the Examiner consider the references cited and return an initialed copy of the IDS to Applicants with the next Office Action or Notice of Allowance.

Conclusion

Early and favorable consideration of the application is earnestly solicited.

Applicants conditionally petition for any necessary extension of time. In the event that any additional claim fees (or other fees) are required as a result of this amendment, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 60883 (72021).

Dated: June 30, 2008

Respectfully submitted,

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